

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : **CASE NO. 1:19-bk-02790**
JOSEPH MARLIN KILMER : **CHAPTER 7**
Debtor :
:

**NOTICE TO CREDITORS AND OTHER PARTIES OF INTEREST
OF PUBLIC SALE OF REAL ESTATE AND PERSONAL PROPERTY**

NOTICE IS HEREBY GIVEN THAT Kara K. Gendron, Trustee in the above-captioned Bankruptcy Estate, seeks leave to sell at public auction real estate at 112 Clover Lane, Port Royal, Pennsylvania and personal property, including a John Deere Tractor and a Moritz Gooseneck Dovetail Equipment Trailer. The auction for real estate will be held on or about June 29, 2023. The auction for personal property will be held on or about July 7, 2023. The sale will result in proceeds being available for the benefit of unsecured creditors.

The property may be examined prior to the sale by telephoning the auctioneer, Lane Ryan Auctions at 717-489-3030, emailing the auctioneer at laneryanauctions@gmail.com, or by visiting the website <https://www.laneryanauctions.com> to view photos and details.

The following terms and conditions are applicable:

Sale will be for Bank Wire Transfer, Certified Checks or registered Credit Card.

The Trustee reserves the right to adjourn the sale without further notice except as to the adjourned date.

The proceeds from the sale of the real estate at 112 Clover Lane, Port Royal, PA will be distributed as follows:

- (a) Proceeds from the sale shall be deposited in Trustee's Bankruptcy Estate Account and paid or held as detailed below.
- (b) Payment of normal and customary public sale expenses, including taxes, and to Lane Ryan Auctions for auctioneer's commission, auctioneer's reasonable expenses, and funds auctioneer has advanced for any reasonable expenses, including costs for clean up, repairs, and miscellaneous expenses in preparing the property for auction.
- (c) Payment for reimbursement to Trustee for \$200.00 expense for funds advanced for a title report.
- (d) Payment in full of the first mortgage, subject to mortgagee's pay off; and payment in full of any other valid liens and mortgages.
- (e) Payment to Debtor of Debtor's allowed exemption, less any post-petition rent that the Debtor has received and not turned over to the Trustee;
- (f) Funds sufficient to pay Trustee's statutory commission and estimated attorney fees shall be deposited into Trustee's Bankruptcy Estate Account and shall remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(g) Funds sufficient to pay a meaningful distribution to unsecured creditors shall be deposited into Trustee's Bankruptcy Estate Account and remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(h) If the bidding would not result in sufficient funds to pay (b) through (g), the Trustee shall terminate the auction and may seek leave to list the property for sale.

The proceeds from the sale of the personal property will be distributed as follows

(a) Proceeds from the sale shall be deposited in Trustee's Bankruptcy Estate Account and paid or held as detailed below.

(b) Payment of normal and customary public sale expenses, including taxes, and to Lane Ryan Auctions for auctioneer's commission, auctioneer's reasonable expenses, and funds auctioneer has advanced for any reasonable expenses, including costs for clean up, repairs, and miscellaneous expenses in preparing the property for auction.

(c) Payment in full of any valid liens.

(e) Funds sufficient to pay Trustee's statutory commission and estimated attorney fees shall be deposited into Trustee's Bankruptcy Estate Account and shall remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(f) Funds sufficient to pay a meaningful distribution to unsecured creditors shall be deposited into Trustee's Bankruptcy Estate Account and remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(g) If the bidding would not result in sufficient funds to pay (b) through (f), the Trustee shall terminate the auction and may seek leave to list the property for sale.

Inquiries regarding the sale should be directed to the below named Trustee and not to the Clerk of the U.S. Bankruptcy Court. For further information describing the property, visit <https://www.laneryanauctions.com>

It is believed that the real estate is subject to a first mortgage held by Mr. Cooper and no other liens nor encumbrances.

It is believed that the John Deere Tractor is subject to a lien held by John Deere Financial.

It is believed that the other personal property is not subject to any liens or encumbrances.

The property will be sold "as is" and "where is" without representations or warranties of any kind regarding the condition of the property.

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to local rule 2002-1(a) the Court will consider this Motion without further notice or hearing unless a party in interest files an objection on or before 6/8/2023.

If you file an Objection, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will deem the Motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

U.S. Bankruptcy Court
Sylvia H. Rambo US Courthouse,
Bankruptcy Courtroom No. 8 (4th Floor)
1501 N. 6th Street
Harrisburg, PA 17102
Date: 5/18/23

For the Court:
Clerk of the Bankruptcy Court
Terrence S. Miller

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IN RE:	:	CASE NO. 1:19-bk-02790
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JOSEPH MARLIN KILMER	:	CHAPTER 7
Debtor	:	
	:	
KARA K. GENDRON, TRUSTEE	:	
Movant	:	
	:	
v.	:	
JOSEPH MARLIN KILMER,	:	
MR. COOPER, JOHN DEERE	:	
FINANCIAL,	:	
Respondents	:	

**MOTION FOR AUTHORITY TO SELL AND TRANSFER REAL ESTATE AT
TRUSTEE'S AUCTION SALE**

1. Movant, Kara K. Gendron, is the duly appointed and qualified Trustee in the above case and has a place of business at 125 State Street, Harrisburg, Pennsylvania 17101.
2. The Debtor is the owner of real estate located at 112 Clover Lane, Port Royal, Pennsylvania as well as some personal property, including a John Deer Tractor and a Moritz Gooseneck Dovetail Equipment Trailer.
3. Trustee believes it is in the best interest of the Estate to liquidate the real estate in order to minimize on-going administrative costs.
4. Trustee believes that public auction will be the most expeditious and economical means of selling the real estate, given its location and condition.
5. The proceeds from the sale of the real estate at 112 Clover Lane, Port Royal, PA will be distributed as follows:
 - (a) Proceeds from the sale shall be deposited in Trustee's Bankruptcy Estate Account and paid or held as detailed below.
 - (b) Payment of normal and customary public sale expenses, including taxes, and to Lane Ryan Auctions for auctioneer's commission, auctioneer's reasonable expenses, and funds auctioneer has advanced for any reasonable expenses, including costs for clean up, repairs, and miscellaneous expenses in preparing the property for auction.
 - (c) Payment for reimbursement to Trustee or \$200.00 expense for funds advanced for a title report.

(d) Payment in full of the first mortgage, subject to mortgagee's pay off; and payment in full of any other valid liens and mortgages.

(e) Payment to Debtor or Debtor's allowed exemption, less any post-petition rent that the Debtor has received and not turned over to the Trustee;

(f) Funds sufficient to pay Trustee's statutory commission and estimated attorney fees shall be deposited into Trustee's Bankruptcy Estate Account and shall remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(g) Funds sufficient to pay a meaningful distribution to unsecured creditors shall be deposited into Trustee's Bankruptcy Estate Account and remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(h) If the bidding would not result in sufficient funds to pay (b) through (g), the Trustee shall terminate the auction and may seek leave to list the property for sale.

6. The proceeds from the sale of the personal property will be distributed as follows

(a) Proceeds from the sale shall be deposited in Trustee's Bankruptcy Estate Account and paid or held as detailed below.

(b) Payment of normal and customary public sale expenses, including taxes, and to Lane Ryan Auctions for auctioneer's commission, auctioneer's reasonable expenses, and funds auctioneer has advanced for any reasonable expenses, including costs for clean up, repairs, and miscellaneous expenses in preparing the property for auction.

(c) Payment in full of any valid liens,

(e) Funds sufficient to pay Trustee's statutory commission and estimated attorney fees shall be deposited into Trustee's Bankruptcy Estate Account and shall remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(f) Funds sufficient to pay a meaningful distribution to unsecured creditors shall be deposited into Trustee's Bankruptcy Estate Account and remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

(g) If the bidding would not result in sufficient funds to pay (b) through (f), the Trustee shall terminate the auction and may seek leave to list the property for sale.

7. It is believed that the proposed sale will result in a meaningful distribution to unsecured creditors of the estate.

8. The Trustee requests that the Court approve the sale of the property at public auction.

WHEREFORE, Trustee respectfully requests that this Honorable Court enter an order approving the request to sell the property at public sale and to allow the Trustee, Kara K. Gendron, to execute any and all papers and documents necessary to effectuate said sale.

Respectfully submitted,

/s/ Kara K. Gendron

Kara K. Gendron, Trustee
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125 State Street
Harrisburg PA 17101
<http://www.mottgendronlaw.com>
T: (717) 232-6650 | F: (717) 232-0477
karagendron@gmail.com

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JOSEPH MARLIN KILMER	:	CHAPTER 7
Debtor	:	
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KARA K. GENDRON, TRUSTEE	:	
Movant	:	
	:	
v.	:	
JOSEPH MARLIN KILMER,	:	
MR. COOPER, JOHN DEERE	:	
FINANCIAL,	:	
Respondents	:	

ORDER

Upon consideration of the Trustee's Motion for Authority to Sell Real Estate and Personal Property at Trustee's Auction Sale, and it appearing that the sale will benefit unsecured creditors, and after due Notice to creditors and other parties in interest,

IT IS HEREBY ORDERED AND DECREED that Kara K. Gendron, Trustee, is hereby authorized to sell the Debtor's real estate at 112 Clover Lane, Port Royal, Pennsylvania and personal property including a John Deer Tractor and a Moritz Gooseneck Dovetail Equipment Trailer.

Valid liens, if any, shall attach to the proceeds of the sale, pursuant to 11 U.S.C. § 363.

IT IS FURTHER ORDERED that the Trustee is empowered to execute any papers and documents necessary to effectuate the transfer and sale of such property; and

IT IS FURTHER ORDERED that the Trustee is authorized to keep certain funds deposited pending further Order and the Trustee is authorized to certain expenses as detailed below:

The proceeds from the sale of the real estate at 112 Clover Lane, Port Royal, PA will be distributed as follows:

(a) Proceeds from the sale shall be deposited in Trustee's Bankruptcy Estate Account and paid or held as detailed below.

(b) Payment of normal and customary public sale expenses, including taxes, and to Lane Ryan Auctions for auctioneer's commission, auctioneer's reasonable expenses, and funds auctioneer has advanced for any reasonable expenses, including costs for clean up, repairs, and miscellaneous expenses in preparing the property for auction.

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(e) Payment to Debtor or Debtor's allowed exemption, less any post-petition rent that the Debtor has received and not turned over to the Trustee;

(f) Funds sufficient to pay Trustee's statutory commission and estimated attorney fees shall be deposited into Trustee's Bankruptcy Estate Account and shall remain deposited in Trustee's Bankruptcy Estate Account pending further Order.

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(a) Proceeds from the sale shall be deposited in Trustee's Bankruptcy Estate Account and paid or held as detailed below.

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CERTIFICATE OF MAILING

The undersigned employee in the office of:

MOTT & GENDRON LAW, 125 STATE STREET, HARRISBURG, PA 17101 hereby certifies that a copy of the Notice was mailed today to all parties named on the mailing matrix attached hereto electronically or by regular first class mail.

Dated: May 18, 2023

/s/ Nancy Spincken
Title: Paralegal